

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>5/8/09</u>
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Justin Harris,

Plaintiff,

08 Civ. 4837 (CM)

-against-

C.O. Howard #17721, City of New York,

Defendants.

ORDER SUBSTITUTING THE CITY OF NEW YORK AS DEFENDANT FOR THE
DEPARTMENT OF CORRECTIONS AND SPECIFYING TIME FOR DEFENDANT
HOWARD TO APPEAR

McMahon, J.

A telephone conference was held in the above-captioned matter today.

It is hereby ordered that the City of New York is substituted as defendant for the Department of Corrections. The caption in this case will reflect this change going forward.

Counsel for the City of New York informed the Court today that named defendant Howard, who did not appear at today's conference and who has not made an appearance in this case, will be performing military service until September 21, 2009. The City will not be representing Howard; she asked the Corporation Counsel to convey that she hoped to retain counsel. Howard has until **October 30, 2009** to appear by counsel or she must file an answer *pro se* in this case. This case is a year old already; I will not make Mr. Harris wait longer to pursue his claim against Howard.

The City is directed to investigate the Notice of Claim situation and to move or answer with respect to the complaint by **June 19, 2009**.

A subsequent Court conference is scheduled for **October 30, 2009 at 10:00 a.m.**

This constitutes the order of the Court.

Copies mailed / faxed / handed to counsel on 5/8/09

Dated: May 8, 2009



U.S.D.J.